

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

**AMERICAN COLLEGE OF
PEDIATRICIANS**, on behalf of itself and its
members;
CATHOLIC MEDICAL ASSOCIATION, on
behalf of itself and its members; and
JEANIE DASSOW, M.D.,

Plaintiffs,

v.

XAVIER BECERRA, in his official capacity as
Secretary of the United States Department of
Health and Human Services; **UNITED STATES
DEPARTMENT OF HEALTH AND HUMAN
SERVICES**; **LISA J. PINO**, in her official
capacity as Director of the Office for Civil Rights
of the U.S. Department of Health and Human
Services; and **OFFICE FOR CIVIL RIGHTS OF
THE U.S. DEPARTMENT OF HEALTH AND
HUMAN SERVICES**,

Defendants.

No. 1:21-cv-00195-TRM-SKL

DEFENDANTS' MOTION TO DISMISS FIRST AMENDED COMPLAINT

Pursuant to Federal Rule of Civil Procedure 12(b)(1), Defendants Xavier Becerra, United States Department of Health and Human Services, Lisa J. Pino, and Office for Civil Rights of the U.S. Department of Health and Human Services (collectively, "Defendants"), hereby move to dismiss the First Amended Complaint filed by Plaintiffs American College of Pediatricians, Catholic Medical Association, and Jeanie Dassow, M.D. (collectively, "Plaintiffs"). For the reasons set forth in the accompanying Memorandum, Defendants submit that Plaintiffs lack standing, their claims are unripe, and/or their claims are moot. Defendants respectfully request that this Court dismiss the First Amended Complaint for lack of subject-matter jurisdiction.

Dated: July 19, 2022

Respectfully submitted,

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/s/ Jeremy S.B. Newman

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